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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KIM, PAUL

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,498

Applicant(s)

BHIDE ET AL.

Examiner

Paul Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 26 November 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


SAM RIMELL
PRIMARY EXAMINER

DETAILED ACTION

1. This Office Action is responsive to the following communication: Original Application filed 26 November 2003.
2. Claims 1-25 are pending and present for examination. Claims 1, 17, 20, and 21 are independent.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to the method of ordering web search results wherein there is no tangible result. See *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106. "The claimed invention as a whole must accomplish a practical application. That is, it must produce a 'useful, concrete and tangible result'" (emphasis added).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 8-9, 11, 17-18, 20-22, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks (U.S. Patent No. 6,338,057, hereinafter referred to as WEEKS), filed on 18 November 1998, and published on 3 June 1999, in view of Kobayashi et al (U.S. Patent No. 6,654,742, hereinafter referred to as KOBAYASHI), filed on 11 February 2000, and issued on 25 November 2003.

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7. **As per independent claims 1, 20-21, and 24, WEEKS, in combination with KOBAYASHI,**
discloses:

A method for ordering web search results comprising the steps of:

using a search engine returning an ordered results set for a search statement
{See WEEKS, col. 1, lines 21-23, wherein this reads over "[i]nformation retrieval tools such as search engines . . . are one means for assisting users to locate data sets of interest"};

identifying a presence of a recurring search event in said results set {See WEEKS, col. 2, lines 61-67, wherein this reads over "embodiments of the present invention identify, within a received data set, a first set of word groups of one or more words according to a first pattern within the data"};

if a recurring search event is present, then identifying a pattern from said results set {See WEEKS, col. 2, lines 61-67, wherein this reads over "embodiments of the present invention identify, within a received data set, a first set of word groups of one or more words according to a first pattern within the data"};

identifying related pages within the results set containing said pattern {See KOBAYASHI, col. 2, lines 36-47, wherein this reads over "determine a new collection of documents in higher-ranking positions of the sorted collections of documents"; and col. 2, lines 48-53, wherein this reads over "'multiple ranking metrics' includes . . . extent of inclusion of terminology related to prescribed information; number of keywords related to prescribed information"};

ranking said related pages {See KOBAYASHI, col. 2, lines 36-47, wherein this reads over "perform arithmetical operation between the new collections of documents in higher-ranking positions; and determine documents in higher-ranking positions of a result of the arithmetical operation as a search result"};
and

reordering said ordered set to place said related pages first {See KOBAYASHI, col. 2, line 66-col. 3, line 2, wherein this reads over "it becomes possible, by utilizing multiple ranking metrics, to rank a search result of a large amount of data so that highly relevant data from a viewpoint prescribed by a user gather in higher-ranking positions"};

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein a recurring search event is identified, and a pattern subsequently identified from the result set so that the related pages may be reordered and ranked accordingly.

One of ordinary skill in the art would have been motivated to do this modification so that web pages containing certain recurring search events may be ranked higher within the results set.

8. **As per dependent claim 8, WEEKS, in combination with KOBAYASHI, discloses:**

The method of claim 1, wherein said reordering step orders said related pages relatively based on rank {See KOBAYASHI, col. 2, lines 36-47, wherein this reads over "perform arithmetical operation between the new collections of documents in higher-ranking positions; and determine documents in higher-ranking positions of a result of the arithmetical operation as a search result"; and col. 2, line 66-col. 3, line 2, wherein this reads over "it becomes possible, by utilizing multiple ranking metrics, to rank

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a search result of a large amount of data so that highly relevant data from a viewpoint prescribed by a user gather in higher-ranking positions”}.

9. **As per dependent claims 9, 18, and 22, WEEKS, in combination with KOBAYASHI, discloses:**

The method of claim 1, wherein said ranking step includes determining a degree of match of each web page of the results set with said pattern {See KOBAYASHI, col. 7, line 66-col. 8, line 15, wherein this reads over “a degree of relevance is calculated under R_i by ordering selection as to each element d_i of search result S in the same procedure as in steps 403 to 404”}.

10. **As per dependent claim 11, WEEKS, in combination with KOBAYASHI, discloses:**

The method of claim 1, wherein said reordering is performed on a basis of time such that a most recent web page appears first {See KOBAYASHI, col. 2, lines 48-53, wherein this reads over “ ‘multiple ranking metrics’ includes . . . date and time of document publication”}.

11. **As per independent claim 17, WEEKS, in combination with KOBAYASHI, discloses:**

A method for ranking web search results comprising the steps of:

identifying a presence of a recurring search event in a results set for a search statement {See WEEKS, col. 2, lines 61-67, wherein this reads over “embodiments of the present invention identify, within a received data set, a first set of word groups of one or more words according to a first pattern within the data”}.

identifying a pattern from said results set; identifying related pages within the results set containing said pattern {See WEEKS, col. 2, lines 61-67, wherein this reads over “embodiments of the present invention identify, within a received data set, a first set of word groups of one or more words according to a first pattern within the data”}; and

ranking said related pages {See KOBAYASHI, col. 2, lines 36-47, wherein this reads over “perform arithmetical operation between the new collections of documents in higher-ranking positions; and determine documents in higher-ranking positions of a result of the arithmetical operation as a search result”}.

12. **As per dependent claim 24, WEEKS, in combination with KOBAYASHI, discloses:**

The computer program product of claim 21, wherein said computer program further includes a search engine code element for generating said results set {See WEEKS, col. 1, lines 21-23, wherein this reads over “[i]nformation retrieval tools such as search engines . . . are one means for assisting users to locate data sets of interest”}.

13. **Claims 2-7, 10, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WEEKS, in view of KOBAYASHI, and in further view of Official Notice.**

14. **As per dependent claims 2 and 23, WEEKS, in combination with KOBAYASHI, discloses:**

The method of claim 1, including the further steps of:

identifying a presence of a point query in said search statement {See WEEKS, col. 2, lines 61-67, wherein this reads over “embodiments of the present invention identify, within a received data set, a first set of word groups of one or more words according to a first pattern within the data”}; and

if said point query is present, accepting said ordered results set.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein if a point query is present, the ordered results set is accepted and returned.

One of ordinary skill in the art would have been motivated to do this modification so that upon detection of a point query, which alternatively means a recurring search event is absent, returns the ordered results set without need for further pattern detection, as specified in the steps following the detection of a recurring search event.

15. **As per dependent claim 3**, WEEKS, in combination with KOBAYASHI and Official Notice, discloses the method wherein a point query is identified by a presence of keywords.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein a point query is identified by certain keywords.

One of ordinary skill in the art would have been motivated to do this modification since the use of queries for the searching of web pages generally necessitates the use of certain keywords.

16. **As per dependent claim 4**, WEEKS, in combination with KOBAYASHI and Official Notice, discloses the method wherein keywords include a form of alphanumeric characters.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein the keywords identifying a point query are comprised of alphanumeric characters.

One of ordinary skill in the art would have been motivated to do this modification since it is widely known within the art that keywords are comprised of alphanumeric characters.

17. **As per dependent claim 5**, WEEKS, in combination with KOBAYASHI and Official Notice, discloses the method, wherein characters include four digits.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein the keywords identifying a point query are comprised of four digits.

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One of ordinary skill in the art would have been motivated to do this modification since it is widely known within the art that years, which are commonly searched, comprise of four digits.

18. **As per dependent claim 6**, WEEKS, in combination with KOBAYASHI and Official Notice, discloses the method wherein characters include Roman numerals.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein the keywords identifying a point query are comprised of Roman numerals.

One of ordinary skill in the art would have been motivated to do this modification since events are sometimes described by Roman numerals (e.g. Super Bowl XXIV).

19. **As per dependent claim 7**, WEEKS, in combination with KOBAYASHI and Official Notice, discloses the method wherein characters include a nth sequence.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein the keywords identifying a point query are comprised of a nth sequence.

One of ordinary skill in the art would have been motivated to do this modification since events are sometimes described by which of a nth sequence it is (e.g. the 111th ACM Conference).

20. **As per dependent claim 10**, WEEKS, in combination with KOBAYASHI and Official Notice, discloses the method wherein the degree of match is based upon at least one of a title, snippet, and entire content of said web page.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method wherein the degree of match is based upon at least one of a title, snippet, and entire content of the webpage.

One of ordinary skill in the art would have been motivated to do this modification since it is widely known within the art that in doing a search, keywords are compared against the title, metadata, or other content of the webpage.

21. **Claims 12 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over WEEKS, in view of KOBAYASHI, and in further view of Jacobson et al (U.S. Patent 6,167,397, hereinafter referred to as JACOBSON), filed on 23 September 1997, and issued on 26 December 2000.

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22. **As per dependent claims 12 and 19**, WEEKS, in combination with KOBAYASHI and

JACOBSON, discloses:

The method of claim 1, wherein identifying a pattern includes setting an attribute, and searching for said attribute near to an occurrence of at least a part of said search statement in web pages of said results set {See JACOBSON, col. 2, lines 7-9, wherein this reads over "the similarity of document pairs is computed based on the occurrence of infrequently occurring words in the vicinity of query keywords in documents"}.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the aforementioned inventions such that the identifying a pattern includes selecting a certain attribute and searching for the attribute within the vicinity of query keywords of the results set.

One of ordinary skill in the art would have been motivated to do this modification so that the pattern may be identified and the corresponding web pages reordered accordingly.

23. **Claims 13-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over WEEKS, in view of KOBAYASHI, in further view of JACOBSON, and in further view of Official Notice.

24. **As per dependent claim 13**, WEEKS, in combination with KOBAYASHI, JACOBSON, and Official Notice, discloses a method, including identifying equal incremental changes in the attribute in different web pages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to identify equal incremental changes in an attribute, such as the year of a conference or sporting event, from different web pages which are the results of a search.

One of ordinary skill in the art would have been motivated to do this modification so that recurring events may be identified from the results set.

25. **As per dependent claim 14**, WEEKS, in combination with KOBAYASHI, JACOBSON, and Official Notice, discloses a method, wherein the attribute is numeric {See JACOBSON, col. 1, lines 25-27, wherein this reads over "the attribute/value pair could be name/phone numbers"}. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the attribute be numeric since most recurring events are identified by either months or years.

One of ordinary skill in the art would have been motivated to do this modification so that recurring events may be identified from the results set.

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26. **As per dependent claim 15**, WEEKS, in combination with KOBAYASHI, JACOBSON, and Official Notice, discloses a method, wherein the attribute is based on a representation of any of a date, time and year. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the attribute be based on a representation of any of a date, time, and year since most recurring events are identified by either months or years.

One of ordinary skill in the art would have been motivated to do this modification so that recurring events may be identified from the results set.

27. **As per dependent claim 16**, WEEKS, in combination with KOBAYASHI, JACOBSON, and Official Notice, discloses a method, wherein a nearness of an attribute is determined by a separation of N words {See JACOBSON, col. 2, lines 7-9, wherein this reads over "the similarity of document pairs is computed based on the occurrence of infrequently occurring words in the vicinity of query keywords in documents"}. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine by a separation of N words the nearness of an attribute since where an attribute is separated by 20 words from the keyword, the relatedness of the attribute would be questionable.

One of ordinary skill in the art would have been motivated to do this modification so that recurring events may be identified from the results set.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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